

January 15, 2010

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 15, 2010

I. OPENING OF MEETING AT 11:10 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson (by telephone), Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Jan Oncken, Tim Duckworth (by telephone), Roneta Taylor (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; and Maureen O'Donnell, Terry Larkin, Fred Baird, and Marianne Armento (by telephone), Illinois Department of Employment Security.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2009

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 18, 2009.

January 15, 2010

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	152.....	9
Agriculture	433.....	17
Arts Council.....	20.....	2
Capitol Development Board	45.....	0
Central Management Services	1,440.....	115
Children and Family Services	3,059.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	428.....	68
Commerce Commission.....	71.....	0
Corrections.....	11,556.....	104
Criminal Justice Authority	59.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	95.....	6
Employment Security.....	1,970.....	24
Environmental Protection Agency	944.....	17
Financial & Professional Regulation	501.....	41
Gaming Board.....	84.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,324.....	26
Historic Preservation Agency	201.....	11
Human Rights Commission	14.....	2
Human Rights Department	149.....	10
Human Services	13,758.....	76
Insurance.....	230.....	9
Investment Board.....	3.....	1
Juvenile Justice	1,223.....	20
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,337.....	24
Pollution Control Board.....	19.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,109.....	43
Racing Board	3.....	0
Revenue	2,053.....	61
State Fire Marshal	142.....	12
State Police	1,347.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	81.....	2
Transportation.....	3,674.....	0
Veterans' Affairs.....	1,200.....	7
Workers' Compensation Commission	174.....	8
TOTALS	50,331.....	808

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption and Proposed Rescissions

Commissioner Peterson arrived.

- As to Item C, Executive Director Daniel Stralka reported that this request is for the Chief Legal Counsel for the Department on Aging, a position that reports to the Director. This position serves the traditional role of an agency general counsel position, a function the Commission has many times in the past approved exemption for. For these reasons, Staff recommended approval of this request.
- As to Item D, Executive Director Stralka reported that this request is for a Legislative Liaison for the Department of Central Management Services, a position that reports to the Legislative Director who in turn reports to the Director. To meet the reporting requirement, the Legislative Director would have to be considered the equivalent of a statutory Assistant Director.

Like various other legislative liaisons, this position was previously been found to qualify for exemption. However, its exemption was rescinded in August 2009 due to extended vacancy. It was resubmitted for exemption last month but withdrawn after Staff raised concerns with some antiquated language in the position description. The position description was subsequently clarified and the position submitted for exemption consideration this month. After confirming that the position has been excluded from this title's bargaining unit, Staff recommended approval of this request.

Regarding the six positions under Item E, Executive Director Stralka first noted that the Illinois Department of Employment Security (IDES) has seen a significant increase in activity due to the current economic climate. To better meet the needs of its constituents, it is early in the process of developing new business models and these requests are directly linked to the inevitable personnel realignment that comes with such change. In addition, it is important to note that concurrent with this realignment, the agency has identified five currently exempt 4d(3) positions that would be abolished upon approval of these requests and realignment. In addition, the agency has assured Staff that approval of these requests would not be inconsistent with federal requirements.

- As to Item E1, Executive Director Stralka reported that this request is for a Chief of Staff for IDES, a position that reports to the Director. This position has significant responsibility in planning, programming, and coordinating all agency programs. Consistent with past Commission determinations, Staff recommended approval of this request.
- As to Item E2, Executive Director Stralka reported that this request is for the Executive Deputy Director of the Office of Service Delivery for IDES, a position that reports to the Director. This position has primary programmatic responsibility for the timely delivery of unemployment insurance benefits and employment service assistance, arguably the agency's most important program. Its decisions are subject to review or reversal only by the Director. For these reasons, Staff recommended approval of this request.

- As to Item E3, Executive Director Stralka reported that this request is for the Executive Deputy Director of the Office of Programs for IDES, a position that reports to the Director. This position has primary programmatic responsibility in conceptualizing, planning, developing, and implementing policies across all the agency's program areas. These administrative responsibilities lean more towards the determination of policies rather than the way such policies are carried out. They are broad in nature, cutting across all program areas, while still considering and evaluating the impact any one program change would have on other related agency programs. For these reasons, Staff recommended approval of this request.
- As to Item E4, Executive Director Stralka reported that this request is for the Manager of the Bureau of Planning and Procedures, a position that reports to Item E3 which reports to the Director. Staff raised overlap concerns with another currently exempt position so the agency indicated it would withdraw this request pending clarification of that other position. Chairman Kolker inquired whether the agency wished to continue rather than withdraw this request. After indicating that it believed that it would be able to complete the necessary clarifications prior to next meeting, the agency concurred with the Chairman's suggestion.
- As to Item E5, Executive Director Stralka reported that this request is for the Project Manager of New Business Model Strategies, a position that reports to Item E2 which reports to the Director. To meet the reporting requirement, the E2 position would have to be considered the equivalent of a statutory assistant director. This position has primary responsibility for the transition of the current agency service delivery methods to the new business model that precipitated this realignment. From there, it would participate and make decisions in researching, developing, and participating in the implementation of ongoing improvements to the new business model of the agency. For these reasons, Staff recommended approval of this request.

Chairman Kolker inquired of the difference between this request and Item E2. Terry Larkin, IDES Deputy Director, responded that Item E2 focuses on the current methods by which the agency delivers its unemployment insurance and employment service assistance programs while Item E5 focuses more on researching, evaluating, and developing ways the agency can improve its service delivery methods.

- As to Item E6, Executive Director Stralka reported that this request is for the Manager of Internship and Special Programs, a position that reports to the Director. After Staff raised concerns with the ability of this program to support a principal policy exemption, the agency indicated it would withdraw this request.

Upon completion of this presentation, Chairman Kolker thanked the agency Director and its other representatives for attending the Commission's meeting and being able to respond to the Commissioner's inquiries. Director Maureen O'Donnell thanked the Commission for its assistance and consideration. She noted that requests for the agency's services are up 127% from last year, and it has processed \$7,500,000,000 in benefits as opposed to \$1,900,000,000 last year.

January 15, 2010

She concluded by affirming it is the agency's goal to develop and implement the most cost effective model it can to ensure the timely delivery of its services.

- As to Item F, Executive Director Stralka reported that this request is for a Manager of the Office of Community Outreach at the Department of Natural Resources. The agency has requested that this be continued to next month. Staff concurred with this request.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on January 15, 2010:

C. Illinois Department on Aging

Position Number	40070-47-00-200-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of General Counsel
Functional Title	Chief Legal Counsel
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

D. Illinois Department of Central Management Services

Position Number	00501-37-06-000-01-02
Position Title	Administrative Assistant I
Bureau/Division	Governmental Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Deputy Director of Governmental Affairs, who reports to the Director
Location	Sangamon County

E1. Illinois Department of Employment Security

Position Number	40070-44-90-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Chief of Staff
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E2. Illinois Department of Employment Security

Position Number	40070-44-20-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Service Delivery
Functional Title	Executive Deputy Director, Office of Service Delivery
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E3. Illinois Department of Employment Security

Position Number	40070-44-40-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Programs
Functional Title	Executive Deputy Director, Office of Programs
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E5. Illinois Department of Employment Security

Position Number	40070-44-23-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Service Delivery/Service Model Strategies
Functional Title	Project Manager, New Business Model Strategies
Incumbent	Vacant
Supervisor	Executive Deputy Director, Office of Service Delivery, who reports to the Director
Location	Cook County

The following 4d(3) exemption requests were continued on January 15, 2010:

E4. Illinois Department of Employment Security

Position Number	40070-44-46-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Programs/Planning & Procedures
Functional Title	Manager, Bureau of Planning & Procedures
Incumbent	Vacant
Supervisor	Executive Deputy Director, Office of Programs, who reports to the Director
Location	Cook County

F. Illinois Department of Natural Resources

Position Number	40070-12-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Community Outreach
Functional Title	Manager, Office of Community Outreach
Incumbent	Vacant
Supervisor	Director
Location	Cook County

V. STAFF REPORT ON ADDITIONAL/IDENTICAL & 4D(3) EXEMPT POSITIONS

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO APPROVE THE STAFF REPORT ON ADDITIONAL/IDENTICAL & 4D(3) EXEMPT POSITIONS.

VI. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

January 15, 2010

VIII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle Street, Suite S-901, Chicago, Illinois at 11:43 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	11/30/09	12/31/09	12/31/08
Aging	1	2	0
Agriculture	2	0	0
Central Management Services	1	1	2
Children and Family Services	10	9	3
Employment Security	3	3	5
Healthcare and Family Services	4	5	9
Human Services	1	1	0
Natural Resources	18	15	14
State Police	0	0	1
Transportation	10	15	17
Veteran's Affairs	0	0	2
Workers' Compensation Commission	0	0	5
Totals	50	51	58

January 15, 2010

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE

DA-3-10

Employee	Josef D. Wehlauch	Appeal Date	08/05/09
Agency	DOC	Decision Date	12/31/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Improper use of sick time; failed to receive approval for secondary employment; engaged in secondary employment while on paid state time; told an inappropriate sexual joke to a cadet class	Recommended Decision	Charges are partially proven and warrant 90-day suspension.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PARTIALLY PROVEN AND WARRANT A 90-DAY SUSPENSION IN LIEU OF DISCHARGE FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED DECEMBER 31, 2009.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

• DISCHARGE

DA-12-10

Employee	Betty J. Webb	Appeal Date	10/01/09
Agency	DHS	Decision Date	12/31/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Charges are partially proven and do warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PARTIALLY PROVEN AND DO WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED DECEMBER 31, 2009.

January 15, 2010

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. APPEALS DISPOSED OF WITHOUT DECISION ON THE MERITS

DISMISSED

DA-25-10

Employee	Andrew Wampler	Appeal Date	12/18/09
Agency	HFS	Decision Date	12/29/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Pled guilty to computer tampering by accessing or attempting to access employees' email accounts without authorization	Recommended Decision	Dismissed subject to Commission approval; withdrawn (will pursue through grievance procedure).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION DATED DECEMBER 29, 2009 TO DISMISS THE APPEAL OF ANDREW WAMPLER.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The bi-annual compliance audit entry conference will take place on January 26, 2010.
- The Travel Control Board has reduced the mileage reimbursement rate to \$0.50 per mile effective January 1, 2010.
- He met with the new Deputy Directors of Labor Relations and Personnel at the Illinois Department of Central Management Services and discussed matters of interest to both agencies.
- The Commission submitted its fiscal year 2011 budget request on January 5, 2010.
- He submitted the Commission's 2009 ethics training reports on January 6, 2010.

January 15, 2010

- The Commission's new Freedom of Information Act policy is now posted at each Commission office as well as on its website. Commissioner Dalianis inquired as to the change in procedures under the new policy and commented generally as to the impact of the new law.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, February 19, 2010 in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:47 A.M.